

REMARKS

In the Drawings:

The Examiner objected to the drawings under 37 CFR 1.83(a), stating that the term "frame" as set forth in claims 1 and 17 must be specifically shown in the drawings. Drawings for FIGs. 1 and 4 have been amended to show the frame and corresponding element 18. No new matter has been added. The specification as filed in paragraph [0004] stated that "[t]he assembly includes a riving knife that is mounted to the table saw frame in line with the saw blade." The specification also mentioned the frame in paragraph [0023]. Claim 1 as filed disclosed "[a] table saw comprising: a frame having a table top ... a riving knife connected to said frame and aligned with said saw blade..." Additionally, claim 17 as filed disclosed "[a] table saw comprising: a frame having a table top ... a saw blade mounted to said frame ..." Because the specification and claims as filed fully described the frame, the amendment to FIGs. 1 and 4 does not add any new matter. See MPEP § 608.01(I).

In the Specification:

In the specification, the paragraphs [0022] and [0023] have been amended to include the element number 18 corresponding to the frame. Additionally, paragraph [0022] has been amended to state that the table includes a frame, which was disclosed in the application as filed in claims 1 and 17 as described above. Because the frame was included in the original application as filed, we believe that the amendment to the specification does not add any new matter. See MPEP § 608.01(I).

In the Claims:

Claims 1-20 are pending in this application. All the claims were rejected by the Examiner. Claims 1 and 20 were amended. Support for the amendments is found throughout the specification and the drawings. In view of the following amendments and remarks, Applicants respectfully request reconsideration of the application.

I. Objections to the Claims

Claim 20 was objected to because the claim was termed by the Examiner to be informal due to the use of the improper term “adjustable.” The applicants have amended the claim to read “adjustably.” The applicants respectfully request that this objection be withdrawn and the applicants note that this amendment does not alter the scope of claim 20.

II. Rejections under 35 U.S.C. § 112

Claims 1-11 and 17-20 were rejected by the Examiner under 35 U.S.C. § 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1-11 and 17-20 were rejected because the Examiner stated that the term “frame” in claims 1 and 17 was indefinite as to what the disclosed structure refers. The applicants have amended FIGs. 1 and 4 to show the frame represented by element 18 and amended paragraphs [0022] and [0023] of the specification to identify the frame with element 18 and state that the table saw includes a frame. The applicants believe that the frame currently shown in the drawings and described in the specification overcomes this rejection.

Claims 1-11 were also rejected because the Examiner stated the term “said housing” in claim 1 lacked an antecedent basis. The term “said housing” was a typographical error. The correct term is “said guard.” The applicants have amended claim 1 to correct this clerical error and overcome this indefiniteness rejection. Applicants respectfully request that these rejections be withdrawn and notes that these amendments do not alter the scope of claims 1-11 or 17-20.

III. Rejections under 35 U.S.C. § 102

Claims 1-3 were rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by the teachings of the U.S. Patent Number 291,187 to Groff (“Groff”). The Groff patent is directed to a saw guard that contains a guard, a frame with a table top, structure similar to a riving knife, and structure to allow the guard to shift as necessary to allow a workpiece to be fed into and cut by the tablesaw. The Examiner stated that this reference disclosed every structural limitation cited in claims 1-3, including “first and

second slots (e.g., s, s'), a multi-position pin (e.g., f of q'), and a second pin (e.g., f of q)." Applicants respectfully traverse the Examiner's rejection of claims 1-3 based on Groff.

The two pins (q and q') shown in Figure 1 of the Groff patent are permanently inserted into slots (s and s') of the structure F that is similar to the riving knife of the current application. The two pins of Groff allow the guard B only to shift upward when a workpiece is presented to the saw blade, but do not serve as a mechanism to allow the guard to be releasably attached to the riving knife as provided in claim 1, (and dependent claims 2 and 3). In fact, Groff provides no teaching of any method or structure where a pin is moveable to a first position to attach securely said guard to said riving knife and moveable to a second position to allow for removal of said guard from said riving knife. Because Groff does not teach at least this limitation of the claim 1, the Groff reference cannot anticipate claim 1. Applicants respectfully request that the 102(b) rejections of claims 1-3 be withdrawn.

Additionally, Groff also does not anticipate claims 2 and 3 because the limitations in these dependent claims are not found in Groff. Specifically, Groff does not provide any teaching to allow the guard to be removed from the riving knife without any tools. Additionally, Groff does not teach the use of a riving knife with two slots, and the slots shown in Groff are not dogleg shaped in opposite directions. Because Groff does not teach at least these limitations of claims 2 and 3, Groff cannot anticipate claims 2 and 3.

IV. Rejections under 35 U.S.C. § 103

Claims 4-20 were rejected under 35 U.S.C. § 103(a) as being obvious over the Groff patent in view of other references, including: U.S. Patent Number 997,720 to Troupenat ("Troupenat"), U.S. Patent Number 1,830,579 to Wappat ("Wappat"), U.S. Patent Number 5,794,351 to Campbell ("Campbell"), U.S. Patent Number 5,375,495 to Bosten ("Bosten"), and U.S. Patent Number 1,821,113 to Neighbour ("Neighbour").

The Examiner based the rejections on Groff as the primary reference with the other references listed above in combination with Groff. Each of independent claims 1, 12, and 17 contain limitations to a guard releasably attached to the riving knife. Neither Groff, nor the secondary references teach a guard that is "releasably attached to said riving knife," as in claim 1; "releasably attachable to said riving knife by securing said pin

to one of said slots,” as in claim 12; and “mounted to said riving knife ... said guard having ... a first and second pin ... wherein said first and second pins are attached securely in said slots and a release position wherein said first and second pins are not secured in said slots and can be removed from said slots,” as in claim 17. Because the references do not teach these limitations, the Groff reference cannot anticipate the claims, nor can a combination of Groff and any of the other references cited render any of the claims obvious. Because claims 1, 12, and 17 cannot be rendered obvious by a combination of Groff and any of the other references listed above, dependent claims 4-11, 13-16, and 18-20 also cannot be rendered obvious by any of the references cited by the Examiner.

In addition to the lack of a guard releasably attached to a riving knife, the references cited by the Examiner also lacked several limitations that are contained within the dependent claims. These various limitations will be discussed below.

a. 103(a) Rejections of Claims 4, 5, 12, 14, and 18 in View of Troupenat

Applicants respectfully traverse the rejection of claims 4, 5, 14, and 18 under section 103(a) based the teachings of Groff and Troupenat. The Examiner stated that Troupenat disclosed a sawing device with a bail citing elements 11 and 12.

Initially, there is no motivation to combine the Groff and Troupenat references as applied by the Examiner, nor has the Examiner identified any motivation. Groff is directed to a guard (B) for a table saw that rises and lowers directly based on the size of the work piece while Troupenat features a complicated mechanism using a system of levers (12, 9, 16) in relation with a finger or lever (11) placed in front of the slide (7) and the saw. There would be no reason to add the structure in Troupenat to Groff because the guard in Groff already raises and lowers. Adding the Troupenat structure would merely add undesirable cost, complexity, and additional parts.

Even if the references could be combined, the combination of the two would not teach every limitation of claims 4, 5, 12, 14, and 18. Elements 11 and 12 are a lever and a link, respectively, which are portions of a linkage for lifting the guard (element 5). These elements do not form a bail (see p. 1, ll. 62-71). Similarly, Groff provides no teaching of a bail. Because neither Groff, nor Troupenat disclose a bail, the

combination of these references cannot render claims 4, 5, 14, and 18 obvious because each of these claims specifically require a bail.

b. 103(a) Rejections of Claims 6-10, 12, 13, 19, and 20 in view of Wappat, Campbell and Bosten

Applicants respectfully traverse the rejection of claims 6-10, 12, 13, 19, and 20 under section 103(a) based the teachings of Groff and a combination of the Wappat, Campbell, and Bosten references, which according to the Examiner, teach the use of a viewing slot, a magnifying lens, and a light source with a table saw, respectively.

Claims 6-11 are dependent on claim 1.

Initially, there is no motivation to combine Groff, which teaches a guard for a table saw, with the Wappat, Campbell, and Bosten references, which are hand held circular saws. Indeed, the Examiner has not cited to any motivation to combine these references.

In addition, the Wappat, Campbell, and Bosten references do not contain all of the limitations of the claims in issue. Claims 6, 9, and 19 all contain limitations requiring a viewing slot. None of the three references disclose the use of a viewing slot in the top plate of the guard. Wappat has a window (element 29) on the side of the circular saw, this does not teach the viewing slot on the top plate of the guard. Campbell features a transparent member (element 26), which is not the same structure as a viewing slot on the top plate of the guard. Additionally, claim 10 teaches the use of a viewing slot with chamfered interior edges, which is not disclosed in any of the references.

Claims 7, 13, and 20 all contain limitations to a magnifying lens that is slidably attached (claims 7 and 13) or adjustably mounted (claim 20) to the guard top plate. The Examiner stated that this feature is taught by the Wappat, Campbell, and Bosten references. The applicants respectfully assert that these references do not teach the use of a magnifying glass. Indeed, a magnifying glass is not shown in any cited reference.

c. 103(a) Rejection of Claim 11 in view of Neighbour

Applicants respectfully traverse the rejection of claim 11 that was rejected by the Examiner under 103(a) in view of a combination of the Groff and Neighbour references. The Examiner took official notice that it is old to design the riving knife to raise and

lower with the saw blade, citing the Neighbour reference. Claim 11 depends from claim 1. As was discussed above, Neither the Groff reference, nor the Neighbor reference disclose any method or structure for removing the guard from the structure corresponding to the riving knife; let the use of a pin that is mounted to the guard as is required in claim 1. Because the Groff and Neighbor references do not teach this feature the combination of references cannot render claim 11 obvious. The applicants respectfully request that the 103(a) rejection of claim 11 be removed.

d. 103(a) Rejection of Claim 17

The Examiner separately rejected claim 17 under 103(a) taking official notice that it would be obvious to modify the teaching of Groff to provide a lever on the first pin, although the Examiner did not cite a reference for this assertion. Instead, the rejection of claim 17 was based on taking official notice that it is well known to provide levers on fastening devices. Such a rejection is improper because in order to maintain a rejection, the Examiner must point to concrete evidence in the record so support the rejection of obviousness. See *In re Zurko*, 258 F.3d 1379, 1385; 59 U.S.P.Q. 2d 1693, 1697 (Fed. Cir. 2001); MPEP § 2144.03. None was pointed to here. Further, the guard (B) in Groff is not removable, nor are either of the rollers (q, q') in Groff removable by the operator. Therefore, the applicants believe this rejection is improper in view of Groff for the reasons discussed above. The applicants respectfully request that the 103(a) rejection of claim 17 be removed.

e. 103(a) Rejection of Claims 15 and 16

The applicants note that the Examiner never specifically addressed the basis for the 103(a) rejections for claims 15 and 16. This is improper. See *In re Zurko*, 258 F.3d 1379, 1385; 59 U.S.P.Q. 2d 1693, 1697 (Fed. Cir. 2001). Additionally, these two claims are dependent on claim 12, which applicants submit are not obvious. Because claim 12 is not obvious, claims 15 and 16, which each contain additional limitations than claim 12, must be not obvious as well. Applicants respectfully request that the 103(a) rejection of claims 15 and 16 be withdrawn.

SUMMARY

Pending Claims 1-20 as amended are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert S. Mallin", is written over a horizontal line.

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